



Fast Track Proposed Regulation Agency Background Document

Approving authority name	State Air Pollution Control Board
Primary action	Article 8 (Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas) of 9VAC5-80
Secondary action(s)	Article 9 (Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas or the Ozone Transport Region) of 9VAC5-80
Regulation title	Regulations for the Control and Abatement of Air Pollution
Action title	Major New Source Review, Combining Permits (Rev. C08)
Document preparation date	January 21, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The existing regulations establish a new source review (NSR) permit program whereby owners of sources locating in prevention of significant deterioration (PSD) and nonattainment areas are required to obtain a permit prior to construction of a new major source or a major modification (physical or operational change) to an existing one. The regulations are being amended to:

- Add provisions to allow the terms and conditions of the various elements of the NSR program to be combined into a single permit.
- Revise the provisions which specify the NSR programs to be used for the issuance of a PAL permits in order to limit the issuance of these permits via a state operating permit.
- Update and restructure the provisions which provide certain exemptions related to the use of alternative fuels or raw materials to comply with recent amendments to §10.1-1322.4 of the Code of Virginia and to ensure no conflict with federal law or regulation.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 15, 2008, the State Air Pollution Control Board took final action to adopt amendments to regulations entitled "Regulations for the Control and Abatement of Air Pollution," specifically major NSR permit programs (9VAC5-80, Articles 8 and 9). The regulatory action is to be effective on a date consistent with the Administrative Process Act.

Legal basis

Please identify the section number and provide a brief statement relating the content of the statutory authority to the specific regulation proposed. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation.

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare. Written assurance from the Office of the Attorney General that the State Air Pollution Control Board possesses the statutory authority to promulgate the final regulation amendments is available upon request.

Purpose

Please provide a statement explaining the rationale or justification of the proposed regulation as it relates to the health, safety or welfare of citizens.

The purpose of the regulations is (i) to require the owner of a proposed new or modified facility to provide such information as may be needed to enable the board to conduct a preconstruction review in order to determine compliance with applicable control technology and other standards and to assess the impact of the emissions from the facility on air quality and (ii) to provide the basis for the board's final action (approval or disapproval) on the permit depending upon the results of the preconstruction review.

The proposed amendments are being made in order to allow the terms and conditions of the various elements of the NSR program to be combined into a single permit. These amendments will protect the health and welfare of citizens because they will (i) make issuance of NSR permits more effective and efficient, (ii) clarify understanding of the permitting process; (iii) make the permitting process more transparent, and (iv) redirect limited department resources to issues of greater concern to the public.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation.

Please note: If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii)

proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Virginia’s NSR program consists of several regulations: two for major NSR (PSD or nonattainment), one for minor NSR, and one for major sources of hazardous air pollutants (HAPs). It is possible that an individual source could simultaneously need permits for the purposes of major NSR, minor NSR, and HAPs. In the interest of efficiency, provisions allowing permits to be combined were created to allow owners to have a single application for these permits, and to allow the agency to issue a single permit.

The ability to combine multiple permit elements into a single NSR permit was accepted by EPA when initially established as an element of the NSR program. Recently, during the public comment period on a state regulatory action developed in response to an EPA major NSR reform initiative, EPA objected to these provisions and indicated that the regulations would not be approved into the SIP if combining permits was allowed. Although the department did not concur with the basis for EPA’s objections, these provisions were removed from the major NSR rules in order to ensure approvability of the SIP.

The inability to combine permits creates significant negative effects:

1. If major and minor NSR permits cannot be combined, virtually every major NSR change will result in two permits. Generating two different sets of permit terms and conditions results in a significant workload increase.
2. Keeping major NSR and minor NSR terms and conditions separated into two different permits does not preserve any terms and conditions as purely major NSR or minor NSR terms or conditions.
3. The opportunity for public review and comment is reduced.
4. Compliance issues result from confusion about where the applicable terms and conditions for a pollutant reside when there is more than one effective permit.

In developing this proposal, EPA was consulted to determine how combining permits could be restored while addressing their concerns. Language acceptable to EPA was developed, and combining permits is now considered to be SIP-approvable by EPA.

The ability to combine permits will be a great benefit to the department, the regulated community, and the public, with EPA’s concurrence. Therefore, no objections to the restoration of the program are anticipated, and the fast-track process is appropriate.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the “Detail of changes” section.)

1. Provisions have been added to allow the terms and conditions of the various elements of the NSR program to be combined into a single permit.
2. Provisions which specify the NSR programs to be used for the issuance of a PAL permits have been revised in order to limit the issuance of these permits via a state operating permit.
3. Provisions which provide certain exemptions related to the use of alternative fuels or raw materials have been updated to comply with recent amendments to § 10.1-1322.4 of the Code of Virginia and restructured to ensure no conflict with federal law or regulation.

Issues

Please identify the issues associated with the proposed regulatory action, including: (1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; (2) the primary advantages and disadvantages to the agency or the Commonwealth; and (3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

1. Public: Advantages to the general public include more effective and efficient issuance of NSR permits, which will contribute to the protection of health and welfare. The general public will also benefit from a clearer understanding of the permitting process, as well as a more transparent process. The regulated community will enjoy the same benefits in addition to the benefits of avoiding unnecessary permitting.
2. Department: The department will benefit by avoiding unnecessary and duplicative permitting efforts, and will be better able to direct limited resources in a more effective and efficient manner. Compliance and enforcement activities will also benefit from focus on a single, comprehensive permit rather than many competing permits.
3. There are no disadvantages associated with this action.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the department is seeking comments on (i) the costs and benefits of the proposal, (ii) the potential impacts of the proposal on the regulated community, and (iii) the effects of the proposal on farm and forest land preservation.

The department accepts written comments by e-mail, facsimile transmission and postal mail. In order to be considered, written comments must include the full name, address and telephone number of the person commenting and be received by the department by 5:00 p.m. on the last day of the comment period. Due to problems with the quality of facsimile transmissions, commenters are encouraged to provide the signed original by postal mail within one week. The department prefers that comments be provided in writing, along with any supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

All comments requested by this document must be submitted to the agency contact: Gary E. Graham, Regulatory Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia, 23218 (email gegraham@deq.virginia.gov, fax 804-698-4510). Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: www.townhall.virginia.gov. Requests for documents and additional information may also be submitted to the agency contact.

Economic impact

Please identify the anticipated financial impact of the proposed regulation and at a minimum provide the information specified below. Also include a description of the beneficial impact the regulation is designed to produce.

<p>a. Description of the individuals, businesses or other entities likely to be affected by the regulation.</p>	<p>Any owner who constructs a new major stationary source or makes a major modification to any major stationary source.</p>
<p>b. Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>The number, type, and size of sources to be affected by the revised regulation is impossible to predict, as such a prediction must approximate (i) the construction of completely new facilities, and (ii) the need and ability of existing sources to make specific plant-by-plant modifications. These potential new and modified source activities depend on local, national, and global economies as well as a source’s individual plant-specific needs. These projects may take place on a scale ranging from monthly to over a period of many years, and on a size ranging from a relatively small piece of equipment to a large and complex facility. The NSR permitting program is flexible in order to accommodate an infinite variety of permitting possibilities, and will vary greatly from source to source, from year to year.</p> <p>Very few major source NSR permits are issued. From 2000 to 2004, none were issued in nonattainment areas, and 18 in PSD areas. The vast majority of permits issued are minor NSR permits: some 1500 from 2000 to 2004. A number of these permits were sought by sources wishing to avoid major source NSR--regional permitting staff estimate that 50-75% of permit actions would be major modifications if sources were not able to limit their emissions. Note, however, that although a project may avoid permitting under major NSR, it may still remain subject to other permitting rules, including minor NSR.</p>
<p>c. Projected cost of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>As it is impossible to quantify a specific number of affected sources, so too is it not possible to quantify projected costs. NSR is inherently case-by-case and source-by-source. Cost effectiveness, therefore, depends on the type of source, the type of control equipment required, and so forth. Generally, it is expected that the regulated</p>

	<p>community will realize a cost benefit, as the program is intended to reduce the number of permits being processed and issued, as well as prevent costly compliance and enforcement problems.</p> <p>The costs of this regulation for affected entities will depend entirely on the specific situation for each source. Costs will vary from source to source due to the size and complexity of each source. Sources locating in nonattainment areas must meet LAER, which is the lowest possible emission rate currently in use by a source anywhere in the country, regardless of cost. Sources locating in a PSD area must meet BACT, which takes into account variables such as cost effectiveness.</p> <p>Bearing in mind the variability among the entities affected by the proposed regulation, an estimation of ongoing general costs is as follows:</p> <p>(1) <u>Costs of preparing a permit application and providing data to the agency so that the application can be evaluated</u> - The department's permit application parallels the federal requirements, which look at the changes from a source-wide perspective to determine applicability. The determination of applicability must look back at historical emissions changes in addition to the emissions changes directly resulting from the physical or operational change. Filling out a completely new permit application is considerably time-intensive for proposed new sources. However, each existing source now reports certain emissions and operational data to the department at specific intervals depending on the size of the source. This data is required to maintain the state's emissions inventory and to verify compliance with the regulations. For sources with fully permitted facilities, applying for a modification will mean organizing and verifying information already set out in the permits in effect for the source. While this effort may be time-consuming, it probably will not take as much effort as initially developing the data. The cost to prepare the permit application is approximately \$80,000, while the cost for an amendment is approximately \$4,200.</p> <p>(2) <u>Costs of determining LAER for new and modified sources</u> - Currently, a LAER evaluation must be conducted for an application for a nonattainment area permit. This requirement can be very time consuming for both the source and the department staff due to the inherent nature of LAER evaluation. The cost negotiating and</p>
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	<p>implementing LAER varies, and is determined by the circumstances of the individual source.</p> <p>(3) <u>Costs of determining BACT</u> – Currently, a BACT evaluation must be conducted for an application for a PSD permit. A BACT determination takes into account technical and economic feasibility. The cost of negotiating and implementing BACT varies, and is determined by the circumstances of the individual source. Note that even if a source should be exempt from major NSR based on the new rules, it continues to be potentially subject to minor NSR permitting, which requires BACT.</p> <p>(4) <u>Costs of combining permits versus separate permits</u> - It is possible that an individual source could simultaneously need permits for the purposes of PSD, minor NSR, and HAPs; thus, combining these permits into one would eliminate the need for preparing and processing two individual permit actions and thus the additional costs as delineated above. Multiplied by the numerous potentially affected sources in the state, the combining of permits will result in a clear cost savings.</p>
<p>d. Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures.</p>	<p>It is expected that the state will realize a cost benefit, as the program is intended to reduce the number of permits being processed and issued. It is not expected that the regulation will result in any cost to the department beyond that currently in the budget. The sources of department funds to carry out this regulation are the general fund and the federal trust (grant money provided by the U.S. EPA under § 105 of the federal Clean Air Act or permit fees charged to affected entities under the permit program). The activities are budgeted under the following program (code)/subprogram (code): (i) Environmental and Resource Management (5120000)/Air Quality Stationary Source Permitting (5122000) and Air Quality Stationary Source Compliance Inspections (5122100) and (ii) Environmental Research and Planning (5130000)/Air Quality Research and Planning (5130700). The costs are expected to be ongoing.</p>
<p>e. Projected cost of the regulation on localities.</p>	<p>The projected cost of the regulation on localities is not expected to be beyond that of other affected entities and are addressed in item c above.</p>
<p>f. Beneficial impact the regulation is designed to produce.</p>	<p>Benefits to the regulated community include more certainty of requirements and added flexibility in business planning. While the case-by-case nature of the regulations makes it impossible to quantify any specific numbers, the regulated community anticipates the realization of a generally beneficial fiscal impact.</p> <p>The general public will benefit from a reduction in the health and welfare effects of air pollution, as the</p>

	<p>amendments will improve efficiency and accuracy in permitting, compliance, and enforcement.</p> <p>The department will benefit by diverting its limited resources to projects with a potentially significant impact to the environment rather than on projects with positive or neutral effects to the environment. Permitting resources will be diverted to projects with more of an impact on the environment.</p>
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Legal requirements

Please identify the state and/or federal source of the legal requirements that necessitate promulgation of the proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal requirements and the extent to which the requirements are is mandatory or discretionary.

Promulgating Entity

The promulgating entity for this regulation is the State Air Pollution Control Board.

Federal Requirements

Section 110 of the federal Clean Air Act prescribes the requirements for the contents, adoption and submittal of the state implementation plan (SIP). Sections 110 (a)(2)(C), 165 and 173 require that the SIP include a program to provide for the regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved. Specific details on the content of this program are found in 40 CFR Part 51, Subpart I and Appendices S and W.

There are no specific federal legal requirements concerning the provisions affected by this regulatory action; however, these provisions are designed to support the overall permitting programs and inclusion of the programs in the SIP.

State Requirements

§ 10.1-1322.4 of the Code of Virginia provides an exemption (unless required by the federal government law or regulation) from permit requirements for the use of an alternative fuel or raw material, if the owner demonstrates to the board that as a result of trial burns at the facility or other facilities or other sufficient data that the emissions resulting from the use of the alternative fuel or raw material supply are decreased. The Code further provides (to the extent allowed by federal law or regulation) that no demonstration shall be required for the use of processed animal fat, processed fish oil, processed vegetable oil, distillate oil, or any mixture thereof in place of the same quantity of residual oil to fire industrial boilers.

Except as cited above, there are no specific state legal requirements concerning the other provisions affected by this regulatory action; however, these provisions are designed to support the overall permitting programs.

Comparison with federal requirements

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

The affected provisions are not specifically required by federal regulation. However, they are processing in nature, and do not have a direct impact on the air quality specifics of the federal program. These provisions are designed to facilitate the implementation of federal requirements. Therefore, they are not more restrictive than any federal requirement.

Need

Please explain the need for the new or amended regulation and the potential consequences that may result in the absence of the regulation. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

Among the primary goals of the Clean Air Act are the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant deterioration (PSD) of air quality in areas cleaner than the NAAQS.

The NAAQS, developed and promulgated by the U.S. Environmental Protection Agency (EPA), establish the maximum limits of pollutants that are permitted in the outside ambient air. EPA requires that each state submit a plan (the State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, showing how the air pollution concentrations will be reduced to levels at or below these standards (attainment). Once the pollution levels are within the standards, the plan must also demonstrate how the state will maintain the air pollution concentrations at the reduced levels (maintenance). The Virginia SIP was submitted to EPA in early 1972. Many revisions to the SIP have been made since the original submittal in 1972. The Clean Air Act is specific concerning the elements required for an acceptable SIP. If a state does not prepare a SIP, or EPA does not approve a submitted SIP, then EPA itself is empowered to take the necessary actions to attain and maintain the air quality standards. Generally, the SIP is revised, as needed, based upon changes in the federal Clean Air Act and its requirements.

The PSD program is designed to protect air quality in areas where the air is cleaner than required by the NAAQS. PSD's primary control strategy is NSR. Prior to construction or modification of an industrial facility, a permit must be issued that ensures that the facility will not emit pollutants in sufficient quantity to make a significant contribution to the deterioration of air quality or to violate the NAAQS. The permit application and the department review and analysis must be subject to a public hearing prior to issuing the permit. The facility must use the best available control technology to control emissions. If the facility is to be located near a Class I area, the federal land manager (FLM) is involved in the review process. Also in such cases, additional data with respect to impact on the Class I area is required. Any disagreements with the FLM must be addressed prior to releasing the application and analysis to public comment.

The provisions of the PSD regulation that allow for permits to be combined were also developed to improve the efficiency of issuing permits, thus making these provisions essential to the efficient operation of government. These provisions enable the provisions of various elements of the NSR program to be combined into a single permit. These provisions improve the efficiency and effectiveness of the permitting program and, in turn, the compliance and enforcement programs. These additional provisions are therefore an enhancement to the original federal requirement.

The nonattainment program is designed to improve air quality in areas where the air does not meet the NAAQS. As with PSD, NSR is an important control strategy. Prior to construction or expansion of an industrial facility, a permit must be issued that ensures that the facility will impede progress made toward attaining NAAQS, including obtaining offsets. The permit application and the department review and analysis must be subject to a public hearing prior to issuing the permit. The facility must comply with the lowest achievable emissions rate.

The provisions of the nonattainment regulation that allow for permits to be combined were also developed to improve the efficiency of issuing permits, thus making these provisions essential to the efficient operation of government. These provisions enable the provisions of various elements of the NSR program to be combined into a single permit. These provisions improve the efficiency and effectiveness of the permitting program and, in turn, the compliance and enforcement programs. These additional provisions are therefore an enhancement to the original federal requirement.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the proposal.

Alternatives to the proposed regulation amendments were considered by the department. The department determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulation. The alternatives considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulations to allow the combining of permits, within the limitations of the law and associated regulations and policies. This option was chosen because it meets the stated purpose of the regulation: to improve the efficiency and effectiveness of the NSR permitting program.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option was not chosen because it would not meet the goal of improved efficiency and effectiveness of the NSR permitting program.
3. Take no action to amend the regulations and continue to require that separate permits be issued for different NSR programs for the same source. This option was not chosen because it would not meet the goal of improved efficiency and effectiveness of the NSR permitting program.

Regulatory Flexibility Analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: (1) the establishment of less stringent compliance or reporting requirements; (2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) the consolidation or simplification of compliance or reporting requirements; (4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposal; and (5) the exemption of small businesses from all or any part of the requirements contained in the proposal.

Although the regulations apply to all facilities of the applicable source type, these standards were specifically designed to apply to facilities of the size that are now defined as small businesses. As such,

any (1) establishment of less stringent compliance or reporting standards; (2) establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) consolidation or simplification of compliance or reporting requirements; (4) establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; or (5) exemption of small businesses from all or any part of the requirements contained in the proposed regulation for all small businesses would directly, significantly and adversely impact the benefits that would be achieved through the implementation of the existing regulations.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: (1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; (2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; (3) strengthen or erode the marital commitment; and (4) increase or decrease disposable family income.

It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth’s air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
80-1615 A		Outdated citation.	Revise citation for consistency with Virginia Registrar rules.
80-1615 C, subdivision c(5) of definition of “major modification”		Requirements for the use of an alternative fuel or raw material to be exempt.	Relocate from the definition of “major modification” to the exemption section. Needed to ensure no conflict with federal law or regulation.
80-1615 C, definition of “minor NSR program”		Define minor NSR as a source or modification that “does not qualify for” major NSR.	Define minor NSR as sources or modifications that “are not subject to” major NSR. Revised language is clearer and more accurate.
80-1615 C, definition of “PAL permit”		PAL permit defined as a major NSR permit, minor NSR permit, state operating	Revise definition to limit issuance of PAL permits to state operating permits. Ensuring that PAL permits are separate from other

		permit, or federal operating permit	permits will contribute to program clarity, efficient processing, and determining compliance.
80-1625 E and F		Requirements of and permits for emissions units may be combined into one permit; likewise for permit applications.	Revise requirements to provide greater detail on combining NSR permits in order to improve clarity and accuracy of the process. This will ensure that permit terms and conditions are identified with the correct program, continue to properly identify federal and state provisions, and prevent circumvention of permit amendment requirements for each program.
80-1625 G 1		Outdated citations.	Revise citations for consistency with Virginia Registrar rules.
80-1695	subsection F		Relocate requirements for the use of an alternative fuel or raw material to be exempt from definition of "major modification." Needed to ensure no conflict with federal law or regulation.
	80-1915		Add new section describing actions needed to combine permit terms and conditions. Needed in order to clearly specify the procedures for combining permits, and to ensure no conflict with federal law or regulation.
80-1925 A		Conveys the concept of the section.	Revise section title and subsection intro; needed to clearly convey concept of "actions to combine permits" versus "actions to change permits."
80-1925 A 4		PSD permits may not be changed in order to incorporate terms and conditions necessary to implement NSR for a modification or a PAL permit.	Delete in order to accommodate other changes in the proposal.
80-1935 A		Administrative permit amendments required.	Revise to state that administrative permit amendments are used for certain purposes. Needed for clarity and consistency.
80-1945 A 3		Criteria for use of minor permit amendments.	Revise to specify "requirement" in lieu of "standard." The new term is more accurate.
80-1945 B 2		Criteria for use of minor permit amendments.	Add "new" monitoring or reporting in addition to "more frequent." Needed for accurate program implementation.
80-1945	subdivision D	Elements of requests for minor permit amendments.	Add ability of applicant to suggest a proposed permit amendment. Needed for efficient program implementation.
80-1945 G 2 and 3		Requirements for making changes.	Revise "terms and conditions" to "amendment"; the new term is more accurate. Specify that the applicant must have submitted a proposed permit; needed for efficient program implementation.
80-1955		Significant amendment procedures.	Minor revisions for accuracy and clarity.
80-1965 A 3		Reopening for cause.	Minor revisions for accuracy and clarity.

80-2010 A		Outdated citation.	Revise citation for consistency with Virginia Registrar rules.
80-2010 C, subdivision c(5) of definition of "major modification"		Requirements for the use of an alternative fuel or raw material to be exempt.	Relocate from the definition of "major modification" to the exemption section. Needed to ensure no conflict with federal law or regulation.
80-2010 C, definition of "minor NSR program"		Define minor NSR as a source or modification that "does not qualify for" major NSR.	Define minor NSR as a source or modification that "are not subject to" major NSR. Revised language is clearer and more accurate.
80-2010 C, definition of "PAL permit"		PAL permit defined as a major NSR permit, minor NSR permit, state operating permit, or federal operating permit	Revise definition to limit issuance of PAL permits to state operating permits. Ensuring that PAL permits are separate from other permits will contribute to program clarity, efficient processing, and determining compliance.
80-2020 C and D		Requirements of and permits for emissions units may be combined into one permit; likewise for permit applications.	Revise requirements to provide greater detail on combining NSR permits in order to improve clarity and accuracy of the process. This will ensure that permit terms and conditions are identified with the correct program, continue to properly identify federal and state provisions, and prevent circumvention of permit amendment requirements for each program.
80-2020 E 1		Outdated citations.	Revise citations for consistency with Virginia Registrar rules.
80-2140		Section titled "Exception."	Re-title section "Exemptions"; more accurate and consistent with PSD program.
80-2140	subsection A		Renumber existing section to accommodate new section following.
80-2140	subsection B		Relocate requirements for the use of an alternative fuel or raw material to be exempt from definition of "major modification." Needed to ensure no conflict with federal law or regulation.
	80-2195		Add new section describing actions needed to combine permit terms and conditions. Needed in order to clearly specify the procedures for combining permits, and to ensure no conflict with federal law or regulation.
80-2200 A		Conveys the concept of the section.	Revise section title and subsection intro; needed to clearly convey concept of "actions to combine permits" versus "actions to change permits."
80-2200 A 4		PSD permits may not be changed in order to incorporate terms and conditions necessary to implement NSR for a modification or a PAL permit.	Delete in order to accommodate other changes in the proposal.

80-2210 A		Administrative permit amendments required.	Revise to state that administrative permit amendments are used for certain purposes. Needed for clarity and consistency.
80-2220 A 3		Criteria for use of minor permit amendments.	Revise to specify "requirement" in lieu of "standard." The new term is more accurate.
80-2220 B 2		Criteria for use of minor permit amendments.	Add "new" monitoring or reporting in addition to "more frequent." Needed for accurate program implementation.
80-2220	subdivision D	Elements of requests for minor permit amendments.	Add ability of applicant to suggest a proposed permit amendment. Needed for efficient program implementation.
80-2220 G 2 and 3		Requirements for making changes.	Revise "terms and conditions" to "amendment"; the new term is more accurate. Specify that the applicant must have submitted a proposed permit; needed for efficient program implementation.
80-2230		Significant amendment procedures.	Minor revisions for accuracy and clarity.
80-2240 A 3		Reopening for cause.	Minor revisions for accuracy and clarity.

Periodic review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than four years after the proposed regulation is expected to be effective.

The department will initiate a review and re-evaluation of the regulation to determine if it should be continued, amended, or terminated within four years after its effective date.

The specific and measurable goals the proposed regulation amendments are intended to achieve are as follows:

1. To protect public health and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. To prevent the construction, modification, or operation of major facilities that will prevent or interfere with the attainment or maintenance of any ambient air quality standard in PSD areas.
3. To prevent the construction, modification, or operation of major facilities that will prevent or interfere with the reasonable further progress toward attainment of any ambient air quality standard in nonattainment areas.
4. To ensure that major new facilities or major expansions to existing facilities will be designed, built, and equipped to operate without causing or exacerbating a violation of any ambient air quality standard.
5. To ensure that major new facilities or major expansions to existing facilities will be designed, built, and equipped to comply with case-by-case control technology determinations and other requirements.
6. To ensure that there is no significant deterioration of air quality in Virginia's national parks and throughout the Commonwealth.

Clarity

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The department, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

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